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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to the Security Council's presidential statement of 1 December 2006 (S/PRST/2006/49). The statement welcomed the signing on 21 November 2006 of a Comprehensive Peace Agreement in Nepal and welcomed and expressed support for my intention to send a technical assessment mission to Nepal, with a view to proposing a fully developed concept of operations, including a United Nations political mission to deliver the assistance requested by the Nepalese parties to the peace process, and to dispatch an advance deployment of essential personnel of up to 35 monitors and 25 electoral personnel. The Council expressed its readiness to consider my formal proposals as soon as the technical assessment mission was complete.

2. In addition to giving a brief historical background on the situation leading up to the request of the Government for United Nations assistance and covering the latest developments since the Security Council made its statement on 1 December, the present report presents recommendations on the future role of the United Nations in support of Nepal's peace process. The report draws on the findings of the assessment mission led by my Personal Representative, Ian Martin, from 9 to 17 December 2006. I have also drawn on the findings of my Personal Representative and his team preceding the assessment mission, the work of the United Nations country team, and previous short missions.

3. The proposals in the report respond to the requests transmitted in separate letters dated 9 August 2006 by Girija Prasad Koirala, Prime Minister of Nepal, and Pushpa Kamal Dahal (Prachanda), Chairman of the Communist Party of Nepal (Maoist), or CPN(M) (S/2006/920, annexes I and II) as well as the 16 November 2006 letter from the Deputy Prime Minister and Minister for Foreign Affairs of Nepal, K. P. Sharma Oli, reiterating the request for United Nations assistance (S/2006/920, annex III).

II. Background

4. Since 1990, Nepal has undergone considerable turbulence in its attempt to embrace more open political and economic systems. Despite achieving democratic rule in April 1990 in the wake of a "people's Movement", the country soon faced

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internal armed conflict after CPN(M) launched an insurgency in 1996. While in its early stages this conflict was largely confined to the mid-western regions, it steadily gained momentum, and the response of the security services further alienated substantial sections of the population. Both the Maoist insurgents and the security forces committed serious violations of international humanitarian law. Many of the victims were civilians targeted by the armed actors or caught up in indiscriminate violence. The estimates of those who disappeared during the decade of armed conflict broadly range from 1,000 to 5,000 people. Tens of thousands were displaced as a result of the war and sexual violence was common. The conflict was also characterized by consistent patterns of impunity for serious human rights abuses. Numerous minors, including girls, were involved in the conflict as Maoist army combatants, while the armies of both sides utilized minors as messengers, sentinels, informers, cooks and in other support functions, including paramilitary activities. The conflict also increased women's visibility. Many women and girls joined the Maoist army, making up an estimated 40 per cent of combatants. In villages and across civil society women began to take on leadership roles; many women and girls meanwhile were made more vulnerable, subjected to displacement and sexual exploitation.

5. Nepal faced a deepening crisis of governance after the collapse of the first ceasefire and peace talks between the Government of Nepal and CPN(M) in 2001 and the suspension of Parliament in 2002. In October 2002, King Gyanendra, who had acceded to the throne following the death of his brother, King Birendra, in the June 2001 palace massacre, dismissed the Prime Minister and ruled until February 2005 through a series of appointed Prime Ministers. A second ceasefire and peace talks between the Government and CPN(M) collapsed in August 2003 in an atmosphere of mutual mistrust. The casualty rates from the war rapidly soared.

6. On 1 February 2005, King Gyanendra dismissed his appointed Prime Minister and ministers and assumed executive powers while directing a harsh crackdown on mainstream democratic parties, the media and civil society. The King's assumption of sweeping and direct authority threatened to prolong and escalate the conflict while creating a risk of State collapse. At the same time, the King's policies and their failure to bring about peace united disparate political and social forces against royal rule and towards a common basis for the restoration of democracy and long-term peace.

7. In November 2005, the Seven-Party Alliance of parliamentary parties and CPN(M) signed a 12-point understanding vowing to "establish absolute democracy by ending autocratic monarchy". CPN(M) expressed its commitment to democratic norms and values including competitive multiparty politics, civil liberties, human rights, the rule of law and fundamental rights. The Seven-Party Alliance embraced the long-held main CPN(M) demand for a Constituent Assembly to determine the future form of government. Both sides expressed their desire for the United Nations to play an important role in the peace process leading to the election of a Constituent Assembly. The ground-breaking understanding, coupled with the Nepalese people's strong desire for peace and the restoration of democracy, helped establish the foundation for the emergence of a broad-based people's movement. In April 2006, mass demonstrations across the country, with strong participation by women and marginalized groups, brought an end to the King's direct rule, led to the restoration of Parliament and a mutual ceasefire, and opened the way for further negotiations between the Alliance and CPN(M).

8. On 21 November 2006, the parties signed the Comprehensive Peace Agreement, consolidating earlier agreements and understandings, and declared an end to the war. This historic achievement was the culmination of a year-long process of negotiation between the signatories and an expression of the widespread desire of the people of Nepal to end a conflict that had claimed more than 13,000 lives. All parties have agreed to the election of a Constituent Assembly as the foundation for a more inclusive democratic system able to address the country's persistent problems of social exclusion. However, marginalized groups, including women, have expressed concerns that the planned mixed electoral system will not ensure their adequate representation.

III. Recent political developments

9. For the last several years my predecessor has been closely engaged, primarily through the Department of Political Affairs, with key national, regional and international actors in an effort to encourage an early and peaceful resolution of the crisis through an inclusive process of national dialogue.

10. Following a formal request in July 2006 from the Government of Nepal for United Nations assistance, a pre-assessment mission led by Staffan de Mistura was dispatched to Nepal that same month. The mission helped the parties to narrow their differences on the management of arms and armed personnel and the United Nations role in it, which enabled them to address separate but identically worded letters to me on 9 August 2006 (S/2006/920, annexes I and II). The pre-assessment mission recommended the appointment of a senior United Nations political interlocutor to be based in Nepal, supported by a small team of advisers in each of the areas relating to the request for United Nations assistance. This initial political office in Nepal, established with the appointment of Ian Martin as Personal Representative of the Secretary-General in late August 2006, has been instrumental in forging a consensus between the parties on the specifics of the United Nations role in the peace process.

11. On 8 November 2006, the Seven-Party Alliance and CPN(M) reached a broad agreement which, in addition to settling key aspects of the political transition, defined the basic arrangements for the cantonment of the combatants of the Maoist army, the restriction of the Nepal Army to its barracks and the arrangements for the storage of arms and munitions during the transition period leading to the election of the Constituent Assembly, all of which would be monitored by the United Nations.

12. In his letter of 16 November 2006 (S/2006/920, annex III), the Deputy Prime Minister and Minister for Foreign Affairs of Nepal reiterated the two sides' request for United Nations assistance in several areas: continued human rights monitoring through the Office of the United Nations High Commissioner for Human Rights (OHCHR), monitoring of arms and armed personnel, electoral monitoring and assistance, and assistance in the monitoring of the ceasefire code of conduct. Discussions following the appointment of a Chief Election Commissioner in October 2006 considerably clarified the assistance required by the Election Commission.

13. With the 21 November 2006 signing of the Comprehensive Peace Agreement, the parties committed themselves to finalizing and promulgating an interim constitution, forming an interim assembly and establishing an interim Government, and determining the fate of the monarchy in the first meeting of a Constituent

Assembly. The election for this new body is slated to be held by mid-June 2007. The Constituent Assembly would be charged with fundamental decisions of State restructuring. The establishment of the interim Government, in which CPN(M) would participate, was linked to the schedule for the management of arms and armies.

14. The accord also incorporated the basic arrangements for the cantonment of the combatants of the Maoist army, the restriction of the Nepal Army to its barracks and the storage of the arms and munitions of both sides. The Interim Council of Ministers was charged with taking action to democratize the Nepal Army and establishing a special committee to supervise, integrate and rehabilitate Maoist combatants. The parties also agreed to constitute a National Peace and Rehabilitation Commission, as well as a Truth and Reconciliation Commission to probe into violations of human rights and crimes against humanity in the course of the conflict.

15. Commitments to end all forms of feudalism, promote greater inclusion of marginalized groups and prepare for the socio-economic transformation of Nepal were central to the accord. The accord also called for "proportional representation of oppressed groups, regions, Madhesis, women, Dalit and other groups", although the operational details of this profound commitment were not clear.

16. In a letter dated on 22 November addressed to the President of the Security Council (S/2006/920), my predecessor sought the Council's agreement to the dispatch of an assessment mission and the deployment of an advance group of up to 35 monitors and 25 electoral personnel to Nepal. He also informed the Council that once the consultations with the parties had progressed sufficiently and the logistical support and security requirements for a full-fledged mission had been assessed, he would propose to the Council a concept of operations for carrying out the required tasks. The Council, in its presidential statement of 1 December 2006 (S/PRST/2006/49), welcomed this proposed course.

17. On 28 November, following tripartite negotiations with the Personal Representative of the Secretary-General and his advisers, the parties reached an agreement on modalities for the monitoring of arms and armies which extensively detailed the arrangements for United Nations monitoring. My Personal Representative signed this agreement as a witness on 8 December 2006.

18. While Nepal has made remarkable progress towards peace, the magnitude of the tasks ahead and the potential threats to the peace process must not be underestimated. During the conflict, normal government functions ceased across wide swathes of Nepal. Close to 70 per cent of village-level administrators were displaced. To date, the Nepal Police have only re-established some 300 out of roughly 1,300 pre-conflict stations and posts. If the Government fails to restore local government, there will be a clear lack of equal democratic space for all political forces in advance of the election. Rising crime rates linked to the prevailing security vacuum are also a serious concern, and if Nepal fails to facilitate the integration of CPN(M) combatants and others operating in paramilitary structures, many of whom are young people and children, unrest could mar the election and post-election climate.

19. All parties have committed themselves to moving forward rapidly with the Constituent Assembly election, and the operational challenges in adhering to this timetable are considerable. Given the lack of Government presence in the countryside, conducting a credible election by mid-June of 2007 will challenge the capacity of all involved. Similarly, a failure to provide basic public services to conflict-affected communities could result in dangerously unfulfilled expectations.

20. The debate over the country's political future could also swiftly exacerbate ethnic, regional, linguistic and other tensions. If Nepal fails to meaningfully include traditionally marginalized groups in the peace process and in the election, and in the deliberations of the Constituent Assembly, the country will lose a crucial opportunity to harness the strength and vision of its own people and leave some of the key underlying causes of the conflict unaddressed. In addition, the exclusion of women from participation in public life, and so far from the peace process, has been almost total. The promise of 33 per cent representation for women in all decision-making structures has not been realized in existing peace process structures such as the Peace Committee and the Interim Constitution Drafting Committee. It is urgent that the Nepalese parties open the door to the role that women can and should play in the process, as reflected in Security Council resolution 1325 (2000).

IV. Assessment mission

21. In order to develop an integrated concept of operations for a United Nations political mission in Nepal, I dispatched a multidisciplinary assessment mission to Nepal from 9 to 17 December. The mission was led by my Personal Representative and comprised the United Nations Resident and Humanitarian Coordinator in Nepal; representatives of the Departments of Political Affairs, Peacekeeping Operations, Public Information and Safety and Security; staff of the Office of the Personal Representative; the representatives in Nepal of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA); and other members of the United Nations country team. The mission built upon the planning and assessment already carried out by my Personal Representative and his team and by previous short missions.

22. In order to determine how best the proposed United Nations political mission could deliver the requested assistance in support of the peace process, the mission conducted a thorough assessment of the present political, security, human rights, humanitarian, social and military situation in Nepal. In the course of the mission, my Personal Representative continued to hold consultations with Prime Minister Koirala, CPN(M) Chairman Prachanda and other political leaders, as well as with the Election Commission. The mission consulted a broad range of national and international actors in Nepal, including women's, child protection and minority groups and other civil society representatives. UNFPA led the mission's efforts to take fully into account the provisions of Security Council resolution 1325 (2000), while UNICEF led efforts to ensure that the rights and needs of children were similarly included. Members of the mission visited proposed cantonment sites and army barracks as part of their determination of the logistical requirements for monitoring. The mission also developed plans for the rapid deployment of up to 35 monitors and 25 electoral personnel as approved by the Security Council (see S/PRST/2006/49).

V. Proposed United Nations mission in Nepal

A. Mandate and focus of the mission

23. It is my considered recommendation that, on the basis of the request of the signatories of the Comprehensive Peace Agreement and the findings of the assessment mission, a United Nations Mission in Nepal (UNMIN) should be established with a mandate that would include the following tasks:

(a) To support the peace process in Nepal in the effective and timely implementation of the Comprehensive Peace Agreement, including in the areas requested by the parties in their letters to me of 9 August 2006, with a view to assisting the transformation of the ceasefire into a permanent, sustainable peace;

(b) To monitor the management of arms and armies of CPN(M) and the Government of Nepal, including the confinement of Maoist combatants and their arms and munitions, including improvised explosive devices, within designated Government-supported cantonment areas; to assist with the registration of combatants and their weapons; and to monitor the Nepal Army in order to ensure that it remains in its barracks, except as provided in relevant agreements, and that its weapons are not used against any side;

(c) To assist the parties in implementing their agreement on the management of arms and armies through a Joint Monitoring Coordinating Committee which, as agreed with the parties, shall be chaired by the United Nations mission;

(d) To assist in the monitoring of the ceasefire arrangements together with OHCHR, which will monitor the human rights aspects of the ceasefire arrangements;

(e) To provide support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere, in consultation with the parties, through (i) the deployment of a team of technical experts to advise and assist the national electoral authorities; (ii) the provision of assistance for the coordination of other international support for the electoral process; (iii) the deployment of United Nations police advisers; and (iv) the development and implementation of confidence-building measures;

(f) To provide a small team of electoral expert monitors to review all technical aspects of the electoral process, and submit reports on the conduct of the election, while ensuring a clear division of responsibilities between the electoral technical assistance team and the team of electoral expert monitors;

(g) To execute the above tasks with special attention to the needs of women, children, and traditionally marginalized groups in the country.

24. I recommend that the mission be established for a period of 12 months, until after the implementation of the results of the 2007 Constituent Assembly election, during which regular progress reports would be submitted to the Council.

25. The United Nations mission in Nepal is expected to be a focused mission of limited duration. The main components of the mission relate to the areas of support for the Comprehensive Peace Agreement that have been requested by the parties. Core assistance to the peace process through monitoring of the management of arms and armies, monitoring of the ceasefire arrangements and support to the Constituent

Assembly election will be carried out by monitors with military experience, active military officers in civilian attire, civil affairs officers, electoral advisers and monitors and police advisers. They will be supported by political, public information, gender, social inclusion, child protection and security officers, and support components of the mission.

26. Continued human rights monitoring through OHCHR in Nepal is a core element of the request of the parties for assistance in creating a free and fair atmosphere for the Constituent Assembly election of monitoring the non-military aspects of the ceasefire arrangements. OHCHR is already well established in Nepal with its own infrastructure, funded by voluntary contributions, and is expected to continue its presence beyond the duration of the mission. Particularly close coordination between the human rights monitoring of OHCHR and the monitoring functions of the mission will be essential. Given that human rights monitoring constitutes a key area of assistance requested by the parties, OHCHR will share information and all relevant reports on matters relevant to the peace process with the Special Representative of the Secretary-General.

27. Despite its expected limited focus and duration, the mission will coordinate closely with United Nations development and humanitarian agencies, funds and programmes in Nepal. Consistent with the principle of an integrated approach, the mission will establish a coordination unit, whose main function will be to ensure strategic coherence and operational cooperation among members of the United Nations family and donors in Nepal.

B. Monitoring of the management of arms and armies

28. According to the 8 December 2006 agreement on the modalities for the monitoring of arms and armies, the Maoist combatants will be redeployed into seven cantonment sites, each with three satellite sites. The arms and munitions of the Maoist combatants will be stored and monitored at each of the seven main sites by United Nations monitors. The weapons will be guarded and perimeter security maintained by a small Maoist security element with a clearly defined number of weapons as set by the agreement. Upon full deployment, the United Nations will execute around-the-clock monitoring of the weapons and ammunition storage.

29. CPN(M) and the Government of Nepal have agreed that the Government will provide food and other necessities at the cantonments. The United Nations thus has no responsibility for cantonment management beyond its monitoring functions, but United Nations agencies stand ready to provide appropriate assistance to the cantonments if requested. In particular, and in light of the agreement by both parties to release any minors found to be associated with the armies of either side, UNICEF will assist with registering minors and reintegrating them in their families and communities.

30. The Nepal Army will remain in its barracks with its weapons, ammunition and equipment. These currently include six division sites, 18 brigade sites, 52 infantry battalion sites and 23 independent infantry company sites deployed to district administrative headquarters locations, giving a total of 75 barracks locations. The Nepal Army will place an equivalent number of weapons to those stored by the Maoist army under around-the-clock United Nations monitoring at one location. The modalities agreement provides for the Nepal Army to continue functions such as the

security of borders, conservation areas, certain institutions and installations and very important persons.

31. The United Nations will deploy up to 186 unarmed active and former military officers as qualified monitors to the Maoist army cantonment sites and Nepal Army barracks to undertake inspections and assess compliance with the modalities agreement. The United Nations will conduct active monitoring and field visits and inspections, confirming the reporting and verification from both parties; monitoring the redeployment and concentration of forces; monitoring the Maoist army cantonment and Nepal Army restriction to barracks; monitoring the management of arms; and monitoring and reporting on compliance with the modalities agreement. United Nations monitors will also track those activities specifically permitted for the Nepal Army and the Maoist army under the modalities agreement and ensure that they comply with the 48-hour notification rules in the agreement. The United Nations monitoring will be based on a coordinated approach at the development region level. Upon full deployment, there will be a headquarters based in Kathmandu and five sector headquarters based in the development regions, including one to be co-located with the headquarters in Kathmandu.

32. To coordinate the implementation of the agreement on modalities and its monitoring, the mission will chair a Joint Monitoring Coordinating Committee (JMCC), which will include equal numbers of representatives of the Maoist army, the Nepal Army and the United Nations. JMCC will also serve as a forum for information sharing among the parties on joint investigations and military activities requiring advance notification and approval.

33. During Nepal's conflict numerous types of improvised explosive devices have been produced in large quantities; it is estimated that between 100,000 and 500,000 of those devices are present throughout the country. Under the modalities agreement, all Maoist army improvised explosive devices will be collected at designated sites at a safe distance from the main cantonment areas. Unstable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour Maoist army armed guard with a timetable to be agreed for their eventual destruction. The United Nations will establish a dedicated mine action unit to provide the mission with technical advice with respect to mines, improvised explosive devices and unexploded ordnance, while registering and processing information provided by the parties in relation to such devices. The mine action unit will assist in developing planning and procedures for the safe and timely destruction of all improvised explosive devices, and investigate explosive-related accidents. The unit will provide the overall technical monitoring of the management of such devices, and monitor the work of specialized improvised explosive device disposal teams contracted for dealing with these matters. In addition, both sides have agreed to assist each other to mark landmines and booby traps used during the time of armed conflict by providing necessary information within 30 days and to defuse and remove and destroy them within 60 days. The unit will liaise with UNICEF to ensure that appropriate mine risk education is provided to the general population.

34. The objectives of monitoring will be achieved when redeployment and deployment to agreed positions is confirmed and all weapons and ammunition are stored in safe and secured storage facilities and the parties have fully complied with the terms of the Comprehensive Peace Agreement and the modalities agreement. In addition, there should be no significant impediment to freedom of movement for

people or goods. This will bolster a secure and stable environment and facilitate progress towards a peaceful environment and the conduct of a credible Constituent Assembly election.

35. In order to provide an around-the-clock presence at weapons storage sites before United Nations monitors are available for this task, the Government and CPN(M) have agreed upon the recruitment of an Interim Task Force (ITF) composed of Nepali ex-servicemen from the Indian and British armies. The Government will be fully responsible for ITF, whose members will be selected by consensus between the Government and CPN(M). The United Nations, with the parties, will coordinate United Nations monitoring and ITF activities through JMCC. ITF will be phased out as the deployment of United Nations monitors reaches the required strength.

36. As noted above, the Comprehensive Peace Agreement provides that the Interim Council of Ministers will form a special committee to supervise, integrate and rehabilitate Maoist army combatants, while preparing a detailed plan for the democratization of the Nepal Army, including general determinations of appropriate force strength.

C. Electoral support

37. The timely, free and fair conduct of the Constituent Assembly election is central to the sustainability of the peace process. While the Election Commission secretariat has experience in conducting parliamentary and local elections in the country, its capacity has been significantly reduced by the conflict, and organizing the election of a Constituent Assembly presents its own unique challenges for the country. The Constituent Assembly election will be administered by a newly appointed Election Commission and under new parameters, including a new legal framework and a new electoral system. Given the limited time to prepare for the electoral process, and the need to support the commitment of the parties to hold the election by mid-June 2007, the United Nations has been requested to provide technical assistance. The United Nations has also been requested by the Election Commission to coordinate international support.

38. The Election Commission has identified the need for technical assistance in legal framework development; overall operational planning; voter registration; voter education; political party certification and candidate nomination; the regulatory framework for the media campaign; political campaign financing; logistics and communications; observer accreditation; training and capacity-building; and dispute resolution, in addition to advisers to assist the secretariat with the development of the electoral framework and operational planning. To support preparations and bolster confidence in the election, the mission will have an electoral component with staff deployed at the headquarters, regional and district levels. The mission will work to ensure that substantive and technical aspects of its electoral work support the inclusion of traditionally marginalized groups such as women, Madhesis, Dalits, Janjatis and others, while promoting the protection of children from inappropriate use in the election process.

39. In response to the request of the parties for electoral monitoring, a small team of expert monitors will also be deployed to Nepal to review all technical aspects of the electoral process. The team, appointed by the Secretary-General, will submit reports on the conduct of the election through the Under-Secretary-General for

Political Affairs to the Secretary-General, who will share them with the Government of Nepal. There will be a clear division of responsibilities between the electoral technical assistance component of the mission and the team of expert electoral monitors.

40. The United Nations Development Programme (UNDP), which is prepared to assist in long-term capacity-building for subsequent electoral cycles, will be the lead agency in providing capacity-building expertise to the Election Commission, as well as in supporting civic education. UNDP may set up and manage a donor fund for electoral support if requested to do so by the Government. UNDP assistance to the Constituent Assembly election will be under the overall direction of the mission's Chief Electoral Adviser.

41. Security during voter registration, campaigning and the polling will be critical. The mission will establish a small United Nations police advisory team within the electoral component, comprising senior police advisers at national and regional levels, to support the Nepal police in their planning and preparations for the election. The United Nations police advisers will support re-establishment of the Nepal police in areas from which they have been displaced and provide advice on the planning and execution of election security, with full respect for human rights and attention to the experiences of women and traditionally marginalized groups.

D. Human rights and ceasefire monitoring

42. The signing of the peace accord has resulted in a reduction in certain patterns of human rights violations, but the future creation of the interim Government and its attempts to re-establish State authority throughout the country and reintroduce a single law enforcement and criminal justice system nationwide may cause some friction and affect the overall human rights situation. The Constituent Assembly election may see a rise in tensions, if not violence, around the campaigning process with negative consequences for political rights, not least for traditionally marginalized groups. The armed conflict has ended, but important rights issues, such as increasing participation of women in all aspects of public life in Nepal, will constitute an added challenge.

43. Since its establishment in Nepal in May 2005, OHCHR helped to mitigate some of the effects of conflict for civilians and contributed to improvements in the human rights situation. Its monitoring and reporting on the human rights situation in the country has also made important contributions to the peace process. This is recognized by the request of the parties in their 9 August letters (S/2006/920, annexes I and II) that the United Nations continue its human rights monitoring through OHCHR, and the further request in the Comprehensive Peace Agreement that OHCHR should monitor its extensive human rights provisions. This will necessitate an even stronger OHCHR field presence in Nepal, including the further decentralization of its regional presence and additional staff and logistics capacities.

44. The mandate of OHCHR in Nepal continues to be based on the April 2005 agreement between the High Commissioner and the Government of Nepal. While the Comprehensive Peace Agreement has placed high priority on OHCHR monitoring of its provisions, it does not limit the mandate of OHCHR. In addition to its monitoring activities, OHCHR will focus on three issues in the transitional period which must be addressed to prevent future human rights abuses: (a) working

to end impunity and secure accountability for human rights abuses; (b) promoting a well-functioning law enforcement and criminal justice system that fully respects human rights and is accessible to all, including those who have had difficulty in gaining access to justice, such as Dalits, women victims and survivors of sexual violence and the rural poor; and (c) addressing long-standing discrimination against women and other excluded groups.

45. While many of the non-military aspects of the ceasefire commitments initially defined in the May 2006 ceasefire code of conduct and further developed in the Comprehensive Peace Agreement fall within the OHCHR mandate, others do not. This was recognized in the further request of the parties that the United Nations should assist in monitoring the ceasefire code of conduct with a view to creating a free and fair atmosphere for a Constituent Assembly election. A National Monitoring Committee, assisted by OHCHR and by the Office of my Personal Representative, was established under the ceasefire code of conduct. However, the Committee was dissolved following the signing of the Comprehensive Peace Agreement, and the parties have yet to decide upon national monitoring arrangements for the further stages of the process.

46. To complement the mission's monitoring of the management of arms and armies, the electoral assistance and OHCHR human rights monitoring, the mission will have a civil affairs component including officers deployed to the regions. It will provide support to the work of a future national independent monitoring mechanism as well as to local structures and mechanisms that may be established within the framework of the peace process. Ensuring adequate political space and a level playing field for all in the rural areas, where there has been a prolonged absence of the state, will be crucial for the credibility of the election. The civil affairs officers will draw together the information of the United Nations system and other monitoring sources, relevant to the atmosphere for the Constituent Assembly election. In addition to OHCHR functions and the monitoring of space for humanitarian and development activities by the Office for the Coordination of Humanitarian Affairs and international partners, the sources of information will include the local offices of UNICEF, the World Food Programme (WFP), UNFPA, UNDP and other United Nations agencies. The civil affairs officers will seek to promote the strengthening of the democratic functioning of local governance structures and the freedom of all political parties to operate normally throughout the country, working closely with local government and civil society to develop and promote conflict mitigation and dispute resolution strategies at the local level. Gender, child protection and social exclusion advisers will ensure that the work of the civil affairs officers, as well as of the monitors of management of arms and armies and of the electoral staff, maximize the inclusion of women and traditionally marginalized groups.

VI. Structure of the mission

47. The mission will operate under the leadership of a Special Representative of the Secretary-General, serving as the head of mission. The Special Representative will liaise with Nepalese parties and authorities, other stakeholders, international organizations, international financial institutions, bilateral and multilateral donors and the diplomatic community, while providing good offices to the Nepalese parties and authorities at all levels, as required. The Special Representative will coordinate

all activities of the United Nations system in Nepal for support to the peace process. The representative of the United Nations High Commissioner for Human Rights and the Resident and Humanitarian Coordinator will participate in the Special Representative's senior management team to ensure the full coordination of the activities of OHCHR and the United Nations country team in support of the peace process with those of the mission. A small coordination unit will be established within the Office of the Special Representative to ensure appropriate coordination with the United Nations humanitarian and development system, through the Resident and Humanitarian Coordinator, and with donors.

48. The Special Representative of the Secretary-General will be supported by a Deputy and a number of advisers, including a gender adviser, a child protection adviser and a social exclusion adviser, and other essential personnel. The advisers will liaise closely with United Nations agencies that coordinate implementing networks for the inclusion of women and traditionally excluded groups, and for child protection. Induction programmes for mission personnel will include training on gender and social exclusion issues in Nepal, and special efforts will be made to recruit female monitors, electoral advisers and other staff.

A. Arms monitoring

49. The arms monitoring component will be headed by a Chief Arms Monitor, who will have primary responsibility to direct the monitoring of the management of arms and armies. This component will consist of up to 186 active and former military officers, unarmed and in civilian attire, and have a headquarters element based in Kathmandu and teams in four other regional sectors. The headquarters will oversee the entire operation. Each sector will have a regional headquarters element to oversee and coordinate the regional monitoring activities. There will be teams based on site at each Maoist army cantonment to monitor the cantonment of the combatants and the storage of their weapons. Nepal Army sites will be monitored by mobile teams.

B. Electoral support

50. The electoral component will be headed by a Chief Electoral Adviser, who will give policy guidance on all United Nations electoral assistance activities. The component will include electoral advisers providing assistance and advice to the Election Commission of Nepal. The headquarters staff will be responsible for overall coordination and management of electoral assistance. Regional staff will be responsible for direct provision of assistance to the regional election offices, and district level staff will be responsible for the direct provision of electoral assistance to district election offices. It is envisaged that United Nations Volunteers will be deployed as part of the electoral component.

51. To advise on the planning and execution of election security, the electoral component will include a United Nations police advisory team.

C. Civil affairs

52. A civil affairs unit will manage the mission's assistance on the non-military ceasefire monitoring functions and ensure coordination with monitoring by OHCHR and other United Nations agencies. Civil affairs officers (including United Nations Volunteers) will be deployed to the five regions, where they will work in conjunction with the other monitoring functions of the mission present in the field. At least one officer at regional level will be assigned responsibility for gender, social inclusion and child protection.

D. Political affairs

53. A political affairs unit will provide political advice and assessments to the Special Representative of the Secretary-General as well as the mission as a whole. In support of the mission's good offices and political functions, the unit will have adequate capacity to monitor, analyse and report on political, civil, social, economic and other relevant issues. The unit will assist the Special Representative and other senior management in their contacts with Nepalese authorities, political parties and civil society organizations as well as regional and international actors; maintain close liaison with relevant stakeholders, including the wider United Nations system and the diplomatic community; and fulfil the mission's reporting requirements.

E. Public information and outreach

54. Since the support of the diverse population of Nepal is vital for the success of the peace process, the mission will have a major challenge in disseminating information about its work and the progress in the implementation of the peace process. Mass media are strongest in the capital and the Kathmandu Valley but also have important regional bases, with reporters posted in all districts, as well as local print and radio media in many districts. Radio is the most effective medium for rural audiences, especially for illiterate audiences and non-Nepali speakers: there are 36 FM radio stations and over 20 community radio stations, as well as a state broadcaster. There are eight major daily national newspapers, which reach the regional and sometimes district level, as well as some district daily newspapers. There is a wide range of weekly magazines, about 10 of which have significant news and current affairs coverage. Television is important only in the Kathmandu Valley and regional centres. Given the great attention and expectation regarding United Nations efforts in the peace process and the potential consequences of misinformation and misinterpretation of the role of United Nations, the mission will benefit greatly from a public information and outreach strategy.

55. A public information and outreach unit will be responsible for implementing a communication strategy designed to explain the work and mandate of the mission to the public. The unit's objective will be to provide a reliable source of information for the population through the local media. In order to reach traditionally excluded groups such as Dalits, Janjatis, Madhesis and women, media work will need to be complemented, especially in rural communities, with outreach activities. The mission further faces a great challenge in ensuring its information reaches low-literacy communities and non-Nepali speakers. It will draw on the support of civil society networks with informal, but trusted, channels to maximize outreach.

56. The public information and outreach unit will contribute to an environment conducive to the election through the provision of timely and accurate information on key issues such as the monitoring of arms and armies, the electoral process and human rights protection, especially in rural areas. In addition, the public information unit will work closely with other public information and communication units in the United Nations system in Nepal to ensure clear and coherent messages about the different ways the United Nations is supporting the peace process.

F. Safety and security

57. The United Nations has not been specifically targeted during the conflict from 1996 to 2006, although threats exist which could potentially disrupt the work of the mission and its assets. Nepal's terrain is difficult and demanding. Road and air travel can be hazardous. Health conditions throughout much of the country are also challenging. While both the Government of Nepal and CPN(M) are currently committed to the peace process, the relative threat to the United Nations and its personnel may shift as the ongoing political process gives rise to the tensions often associated with the challenges of holding elections while keeping both military forces on the sidelines. Any perceived responsibility of the United Nations, notwithstanding its limited role, for lack of progress in the peace process may increase risk. A change in threat is unlikely to occur without warning.

58. The Department of Safety and Security is in charge of the United Nations security management structure in Nepal. The Resident and Humanitarian Coordinator is the Designated Official, responsible for the security of all United Nations personnel including mission personnel. As head of the mission, the Special Representative of the Secretary-General will be responsible for the security of mission personnel and assets, and will be supported in this by his or her own security adviser and a number of security personnel at mission headquarters and in the regional offices. The Special Representative will coordinate security arrangements with the Designated Official and the mission security personnel will integrate into the security management structure of the Department of Safety and Security. There will be strong cooperation on security procedures and information management between the security structure of the Department of Safety and Security and the mission to ensure collaboration with respect to decisions that may affect the conduct of the work of the mission and other United Nations personnel. In this regard, the mission will also work closely with the United Nations agencies. Proper security measures will be put in place to mitigate risk in accordance with the United Nations minimum operating security standards and minimum operating residential security standards.

G. Support (administration and logistics)

59. An administrative support component will be established to provide the support necessary for implementation of the mandate, including the necessary communications, ground and air assets and medical support. The mission's administration will coordinate its activities closely with the United Nations country team in order to enhance efficiency of overall operations and increase cost-effectiveness.

VII. Peace support contribution of the United Nations country team

60. One of the priorities in the country team's upcoming Development Assistance Framework 2008-2010 is to strengthen the rule of law, governance and human rights for all Nepalese to benefit from the peace and recovery process. The country team will utilize available expertise in its more than 20 member agencies and their longstanding presence in all 75 districts of Nepal. Coordination support for the Resident Coordinator has been expanded by the deployment of the Office for the Coordination of Humanitarian Affairs, the UNDP/Department of Political Affairs Peace and Development Adviser, and a peace support coordinator. This structure will be further refined on the establishment of the mission. As requested by donors, the Resident Coordinator established four peace support working groups: on Security Council resolution 1325 (2000) regarding women and peace and security, chaired by UNFPA and Norway; on transitional justice, chaired by OHCHR; on reintegration and related issues, chaired by UNICEF and UNDP; and on constitutional and electoral issues, chaired by UNDP.

61. The country team, through the Office for the Coordination of Humanitarian Affairs, OHCHR and the Office of the United Nations High Commissioner for Refugees (UNHCR), is the Government's key counterpart on internally displaced persons issues. This includes analysis and advocacy, advice on a comprehensive policy, direct aid for food security (Food and Agricultural Organization of the United Nations (FAO)) and vocational training and literacy programmes (International Labour Organization (ILO) and United Nations Educational, Scientific and Cultural Organization (UNESCO)), as well as direct engagement at the community level to help the return of internally displaced persons (UNHCR).

62. The Government of Nepal wrote to the Resident Coordinator on 24 November 2006 asking for assistance from the United Nations system and donors on aspects of cantonment, especially food from WFP, temporary shelters with needed infrastructure, and other essential items. In response, United Nations agencies are ready to assess key needs for support, contingent upon clear agreement between the Government and CPN(M) on the modalities for providing assistance. The country team is also able to provide planning support, especially on environmental concerns (UNDP); health concerns (WHO) and reproductive health needs (UNFPA); and the assessment of HIV/AIDS needs (UNAIDS and UNFPA). UNDP will provide assistance to the mission on procedures for registering and recording weapons. UNFPA and UNDP will support efforts to make cantonment registration and planning consistent with the needs of the high percentage of women combatants in the Maoist army ranks, and UNFPA, with the United Nations Development Fund for Women (UNIFEM), will promote the goals of Security Council resolution 1325 (2000) in all other aspects of the peace process. UNICEF and OHCHR will support efforts to make registration and cantonment arrangements consistent with the rights of children, and support the integration of children affected by the conflict through youth clubs and catch-up education while making the peace process consistent with the goals of Security Council resolution 1612 (2005).

63. The Office for the Coordination of Humanitarian Affairs has been reporting and advocating on humanitarian issues including operational space, access to basic services and protection. Through the 2006 consolidated appeal and a "coherent framework" for 2007, the Humanitarian Coordinator has led joint planning and

appeals. Both in Kathmandu and through its field offices, the Office for the Coordination of Humanitarian Affairs has strengthened coordination and information exchange with implementing partners.

64. UNESCO has integrated peace education in its programmes to support formal and non-formal education, highlighting gender issues and reconciliation. ILO is helping to conduct the national labour force survey, as well as a rapid assessment on labour market information, highlighting opportunities to generate employment for populations affected by the conflict. WHO, working with UNFPA, will conduct a post-conflict community health needs assessment; intensify public health monitoring; and promote access to essential health care for marginalized populations. UNAIDS is developing an HIV/AIDS code of conduct for uniformed services and UNFPA is taking an initiative to support women vulnerable to sex work to counter the rise in the numbers of young women affected. UNFPA will also sponsor mobile clinics to provide health services, including reproductive health care, and preventive and protective measures against sexual violence. It will further develop a coordinated needs assessment survey highlighting women's and other marginalized communities' concerns and capacities to address reintegration and transitional justice issues.

65. The World Bank plans to use the existing Poverty Alleviation Fund to assist community-based reintegration; it is supporting large infrastructure projects and pushing for the reform of labour laws to promote businesses and job creation.

VIII. Conclusions

66. The peace process has been and will continue to be led by the people of Nepal, who have spoken loudly and clearly in demanding democracy, peace and a more inclusive State. The United Nations must welcome the opportunity to support their peace process and the conduct of the Constituent Assembly election in a free and fair atmosphere. The significant political process that Nepal has set in motion represents a crucial opportunity for the country to reshape its structures and institutions to reflect the capacities and meet the aspirations of all its peoples. The greatest challenge in the months ahead may be to ensure that Nepal's remarkable diversity becomes an abiding strength rather than a source of division.